

VZCZCXRO9938  
OO RUEHQU  
DE RUEHPU #1217 2401742  
ZNR UUUUU ZZH  
O 271742Z AUG 08  
FM AMEMBASSY PORT AU PRINCE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8749  
INFO RUEHZH/HAITI COLLECTIVE  
RUEHBR/AMEMBASSY BRASILIA 2034  
RUEHMN/AMEMBASSY MONTEVIDEO 0215  
RUEHSA/AMEMBASSY PRETORIA 1812  
RUEHSG/AMEMBASSY SANTIAGO 2406  
RUEHMT/AMCONSUL MONTREAL 0311  
RUEHQU/AMCONSUL QUEBEC 1237  
RUEATRS/DEPT OF TREASURY WASHDC  
RUCOWCV/CCGDSEVEN MIAMI FL  
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL

UNCLAS PORT AU PRINCE 001217

SIPDIS

STATE FOR WHA/CAR, DRL, S/CRS, INR/IAA  
SOUTHCOM ALSO FOR POLAD  
STATE PASS AID FOR LAC/CAR  
TREASURY FOR MAUREEN WAFER

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [HA](#)

SUBJECT: PREVAL TRIES TO JUMP THE GUN IN APPOINTING NEW  
GOVERNMENT

REF: PORT AU PRINCE 1208

¶1. (SBU) After President Preval formally appointed Michele Pierre-Louis Prime Minister August 24, and the new PM then appointed her new cabinet the same day (reftel), the President planned to swear in the new ministers on August 26. The President's office announced the morning of August 26 that the ceremony was postponed due to weather, as heavy rains from Hurricane Gustav were already moving into Port au Prince.

¶2. (SBU) The real reason for the postponement was protest from numerous legislators and commentators that it would be unconstitutional to install the new government before it survives a parliamentary vote of confidence. Fusion spokesman Micha Gaillard told the press that installing the government before parliament had approved its general policy would be a violation of the constitution and "anti-democratic." Several deputies from the majority bloc in the Chamber of Deputies, the Coalition of Progressive Parliamentarians, termed this move "illegal and unconstitutional." Senator Andris Riche from OPL also told the press August 26 that preempting the parliamentary vote would be unconstitutional and tantamount to a "coup d'etat." Rosny Desroches, director of the respected civil society organization "Civil Society Initiative," publicly termed this action a violation of the constitution that would threaten Haiti's political stability. Gaillard and others thought that if Preval went through with swearing in the government before the parliamentary vote, support for that government in parliament would crumble, and it might fail to obtain a vote of confidence. This view is shared by at least one of the newly-appointed PM's intimates. In an August 26 radio interview, PM Michele Pierre-Louis tried to smooth things over by assuring the country that her government would not be sworn in without the approval of parliament.

¶3. (U) The Pierre-Louis government's declaration of policy to the Chamber of Deputies, and the following vote of confidence, are scheduled for August 28. The date of the Senate session will depend on when airline schedules disrupted by Hurricane Gustav allow Senate President Kely Bastien to return to Haiti from Denver, where he is a guest at the Democratic National Convention.

¶4. (SBU) Comment: The constitution is vague on this

sequence. Article 158 says that the Prime Minister chooses his/her government in agreement with the President, and then presents that government's declaration of general policy to both chambers of the legislature for a vote of confidence. It is not clear whether the government is formally sworn in before or after that vote of confidence. Post recalls that the former of Government of Prime Minister Jacques Edouard Alexis was sworn in after it survived its introductory vote of confidence. Whatever the constitutional legality, President Preval's rush to install the new government did not help his new Prime Minister's chances of surviving a vote of confidence.

SANDERSON